

FILE REVIEW AND RECOMMENDATIONS OF TENNESSEE DEPARTMENT OF SAFETY SELECTED EMPLOYEES

Prepared for

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December 21, 2005



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Overview

Information

All information released herein is available through publicly available databases. The findings and recommendations contained herein are based on the information currently available to the recommending group. Should further information become available, these findings and recommendations may be altered or adjusted.

Expungement of Records

Tennessee law (TCA § 40-32-101) allows a person to petition the court to expunge criminal records in the following circumstances:

- (1) in cases where a felony or misdemeanor is dismissed or the grand jury returns a no true bill;
- (2) in cases where a person is arrested but not charged;
- (3) in cases where a charge or warrant is dismissed after the successful completion of a diversion program, unless the charge is for a sexual offense;
- (4) in cases of nolle prosequi; and
- (5) in cases where an order of protection has been successfully defended or denied by a court.

Information Reviewed

This report is based on a case by case review of all files of the 41 employees of the Department of Safety identified as having criminal charges or traffic violations that resulted in a driver's license suspension. The 41 individuals were made up of 28 troopers, 5 sergeants, 2 lieutenants, 4 communications dispatchers, 1 capitol police sergeant, and 1 criminal investigations division special agent. The review was conducted on the contents of files commonly referred to as the personnel file, the confidential file, and any Internal Affairs files or Criminal Investigations Division files that were related to the individuals in question.

All of the above mention 41 employees are career service employees and are covered by the civil service laws. As such they have statutory rights to due process before the appointing authority can demote, suspend or terminate them.

Findings

No commissioned officer or dispatcher in the Department of Safety currently has a felony conviction of any type. The group of 41 individuals mentioned above is the entire list of

individuals in the Department of Safety that have charges in their criminal history or traffic violations that resulted in a driver's license suspension.

Of the 41 individuals whose files were reviewed, 83% (34) were charged prior to their employment with the Department of Safety and 17% (7) were charged during their employment with the Department of Safety.

Of the 34 individuals who were charged prior to their employment, 9 were charged with traffic related offenses where their driver's license was suspended. All of these driving related issues were resolved prior to employment. The remaining 25 had criminal history charges that were not traffic related. Of those 25 individuals, 13 were convicted of misdemeanors and 12 were either found not guilty or their charges were dismissed or nolle.

Of the 7 individuals who were charged after their employment with the Department of Safety, one of the individuals, Trooper Ronald Hughes, filed for retirement on November 30, 2005. A second individual, Trooper Tony Schuer, is currently involved in the civil service due process procedure with a recommendation for termination after being charged on November 14, 2005 with driving under the influence and violation of the implied consent law while having his service weapon on his person. The remaining 5 employees who were charged after their employment are actively employed with the Department of Safety.

Knowledge of charges

From the review of the above mentioned records it appears that the Department of Safety was aware of all the charges and convictions of these individuals prior to their employment. Hire dates of these individuals range from March, 1974 to October, 2005.

Recommendations

Overview

It is recommended that during the hiring process an increased importance should be placed on any criminal charges or driving violations.

For the reasons explained below it is recommended that two of the individuals who have had criminal charges during their employment with the Department of Safety be terminated for conduct unbecoming to a state employee (law enforcement officer). These individuals must be afforded their due process rights under applicable civil service laws. It is further recommended that no further action be taken against the remaining 3 individuals.

Detailed Recommendations

The 2 individuals recommended for termination are 1) Trooper Angelinette Crawford who in September of 2004 was involved in an off duty incident involving her service weapon. She was charged with assault with a deadly weapon. Trooper Crawford has not received any disciplinary action to date as a result of this incident, and 2) Capitol Police Sergeant Gregory Badacour who was involved in an incident in September 2004 where he pled guilty to unlawful photography while in uniform and carrying his service weapon. He is currently on judicial probation. Trooper Badacour received a 1 day suspension for this incident.

It is recommended that no further action be taken against the following 3 individuals:

Trooper Guinn Hall was charged with driving under the influence and violation of the implied consent law while off duty in March of 2002. Both charges were dismissed. The arresting officer then presented the case to the grand jury on his own where a no true bill was returned;

Criminal Investigation Division Special Agent Randy Robinson was charged with driving under the influence and aggravated assault in June 2001. A bench trial was held and he was acquitted on all charges;

Trooper Leo Green was found guilty of driving while impaired and violation of the implied consent law in April 2000. He retired effective April 2000 while undergoing due process with a recommendation of termination. He was rehired as a Trooper in May of 2001.

First Name	MI	Last Name	Title
Brian	W	Anderson	Commu Disp 1
Jason	E	Andes	Trooper
Victor	J	Appleton	THP Sgt
William	H	Avera, Jr.	THP Sgt
Gregory	R	Badacour	Cap Pol Sgt
Martin	E	Brown	Trooper
Teresa	L	Brown	Trooper
David	A	Burns	THP Sgt
Gary	W	Bush	Trooper
Bryan	S	Butler	Trooper
Angelinette		Crawford	Trooper
Donald	A	Despain	THP Sgt
Bill	R	Fitzgerald	Trooper
Harold	E	Gooding	THP Sgt
Charlene	D	Green	Trooper
Leo	H	Green	Trooper
Guinn	E	Hall	Trooper
Keesha	F	Harding	Commu Disp 2
David	S	Harmon	Trooper
David	S	Hollandsworth	Trooper
Ronald	W	Hughes	Trooper
Judith	M	Idol	Trooper
Jonathan	R	Isleman	Commu Disp 2
Calvin	W	Jenks	Trooper
Leslie	D	Killingsworth	THP Lt
Sherman	W	Lingo	Trooper
Jeremy	L	Luna	Commu Disp 2
Cesar	A	Maldonado	Trooper
Raymond	M	Marsh, Jr.	Trooper
Krystal	N	Mathis	Trooper
Jeremy	C	McAnally	Trooper
Michael	D	Morgan II	Trooper
Patrick	B	Murphy	Trooper
Randy		Robinson	SA CID
Tony	M	Schuer	Trooper
Richard	M	Smith	THP Lt
Guadalupe	P	Soto	Trooper
Jerry	W	Tipler	Trooper
David	W	Trivette	Trooper
James	E	Wise	Trooper
James	A	Wyatt	Trooper